



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANING AND DEVELOPMENT**

Application Number: 2503644
Applicant Name: Seattle Public Utilities
Address of Proposal: 110 Lee Street

SUMMARY OF PROPOSED ACTION

Council Land Use Action for future construction of a two million gallon, above grade, water tank and installation of a below grade pump station with associated water mains. The proposal includes demolition of two existing above grade water tanks.

The following approval is required:

Council Land Use Action to waive or modify development standards for a City facility.
(SMC 23.45.106.C and 23.76.036.B)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions*

☐ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

* A Determination of Non-significance was prepared by Seattle Public Utilities, dated June 29, 2005. DPD will consider and impose any necessary substantive SEPA conditioning.

BACKGROUND DATA

Seattle Public Utilities (SPU) proposes to replace Queen Anne Water Tank No. One, a 317,000 gallon capacity tank, and Queen Anne Water Tank No. Two, an 881,000 gallon capacity tank, with a new 2,000,000 gallon water tank. The proposed new tank would be located in the same approximate area where the existing tanks are now located.

The foundations of the existing tanks would be demolished. The reinforced concrete ring wall foundation for the new tank would extend down approximately 15 feet beneath the tank perimeter. The new tank would be formed with welded steel plates.

Queen Anne Water Tank No. One is designated a City of Seattle Historic Landmark. A Certificate of Approval has been issued by the City of Seattle Landmarks Preservation Board authorizing demolition of Water Tank No. One. This Certificate of Approval includes a condition to record and document the landmark to the Standards of the Historic American Buildings Survey program.

SPU also proposes to build a below ground water pump station extending southward, beneath and beyond the tennis court west of the existing fire station located at Warren Avenue N. and Lee St. The pump station would raise water pressure by 23 pounds per square inch to approximately 600 residences in a new water pressure zone at the highest areas located east and west of Queen Anne Ave. N. Over 200 of these 600 services currently have water pressures below 30 pounds per square inch, the minimum allowable pressure for new systems pursuant to Washington Department of Health standards. Fire hydrant flow capacity would also be greatly increased in and around the new pressure zone. New buried pipelines would connect the new tank and pump station, the tank and existing water pipelines, and the pump station and existing water pipelines. A drain line from the tank and pump station to existing sewer lines also would be constructed.

Pump station construction would include excavation of an area approximately 40 feet by 30 feet horizontally and 15 feet deep. A reinforced concrete slab would be placed on the slab and covered with fill. The area between the southern edge of the pump station and sidewalk would be re-graded and a short (approximately three feet high) retaining wall may need to be built. This re-graded area, paralleling Lee St. for about 22 feet west of the alley access, would be hydro-seeded and replanted with shrubs following construction.

As part of the project, SPU proposes to remove lead-contaminated soils near the existing water tanks that would be disturbed during construction activities. These soils were likely contaminated by paint from the water tanks and adjacent Seattle City Light communications tower. SPU has agreed to remove an underground heating oil tank located in the access to the alley off Lee Street. The tank once served the Fire Station.

Water mains in the area would be replaced and streets repaired in an action beyond the scope of this permitting review.

The existing Parks Department tennis courts on the site, near Lee St. and Warren Ave. N. would be used for construction staging and would be resurfaced after construction is complete.

The proposed 2,000,000 gallon replacement water tank increases on-site storage capacity by about 40% to provide adequate water supply and emergency protection to a population that is substantially larger than when the original tanks were constructed. Because there are few water mains supplying Queen Anne Hill, the neighborhood is somewhat isolated from the rest of the Seattle water supply system. The physically isolated "island" nature of Queen Anne Hill requires this proposed extra capacity in this specific location.

An area approximately 30 feet by 20 feet at the northeast corner of the site would be left open in reserve for future neighborhood use in a manner to be determined in consultation with the Seattle Department of Neighborhoods.

No work is proposed in this action at either the Seattle Fire Department Station No. 8 or on the Seattle City Light communications tower, both located on the proposal site.

Public facilities meeting all development standards are a permitted use in multifamily zones (SMC 23.45.004.A.9). However, the proposal requires City Council approval because the proposed water tank, a utility services use, a subset of public facility uses, would not meet several development standards as provided in SMC 23.45.106.B and C.

Code Section	Requirement	Provided
SMC 23.45.092	25 foot height limit for structures serving Institutions	91.5 feet
SMC 23.45.094	75 foot maximum width for all structures	91.5 feet
SMC 23.45.094	Landscaping for structures in excess of 45 feet in width	None provided
SMC 23.45.096E	Landscaping required for setbacks along rights of way	Waive all requirements
SMC 23.45.098B	No parking in required front or street side setback	Allow 3 new parking spaces in front setback along Warren Ave N
SMC 23.45.098C	Screen parking for more than 5 vehicles	Waive screening requirement for new surface parking
SMC 23.54.030D2	22 foot minimum driveway width	Waiver requirement for new parking spaces accessed from existing driveway from Lee Street
SMC 23.54.030B2	75% of new parking spaces for large cars (8 ½ ' x 19')	Reduce requirement to 62%
SMC 23.54.030G	Sight triangle requirements for new driveways	Waive requirement

Public Comments

No public comments were received. The official comment period ran from September 4, 2005 to September 17, 2005. Recommendations from other City agencies regarding this proposal have not been received.

ANALYSIS – COUNCIL MODIFICATION OF DEVELOPMENT STANDARDS

The following analysis is undertaken pursuant to the provisions SMC 23.76.050.

Seattle Municipal Code Section 23.46.106.C provides criteria for approval of public facilities not meeting development standards in multifamily zones. Those criteria are in bold below with analysis of each immediately following.

- 1. The project provides unique services which are not provided to the community by the private sector, such as police and fire stations; and**

The provision of fresh potable water to each residence and business in the city and to the fire mains on each street is accomplished in Seattle only by Seattle Public Utilities, a City department.

2. The proposed location is required to meet specific public service delivery needs; and

As explained by SPU in their application materials, water service supply infrastructure is one of the kinds of public facilities which must be placed within neighborhoods served. The top of Queen Anne Hill is an area where it is necessary to locate a large quantity of water to meet local peak needs. This need has been met over the history of the water utility by construction of first one and then a second water tower at the proposal site. As density of use and population has increased over time the amount of water provided to the area has continued to increase and the critical need for these towers has similarly increased. The water towers on the site need to be replaced for both capacity and structural reliability reasons.

3. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and

The Seattle water delivery system is almost entirely a gravity fed system, without the necessity of electric pumps between user taps and source reservoirs in the Cascade Mountains. Pressure is created by gravity in a system where the local storage areas, reservoirs and water tanks, have an elevation higher than the user's tap. At several hill top locations in Seattle (Queen Anne Hill, Magnolia, High Point) it is necessary to store water in elevated tanks to maintain this constant pressure and to store it in a large enough capacity to cover peak flow requirements and temporary interruptions in the supply to the tanks.

The proposed new water tank would replace two existing tanks at the same location thereby increasing the capacity of local system (more gallons of storage) and improving the structural integrity of the system.

4. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.

The location of the proposed new water tank at the historic location of two water tanks is appropriate for several reasons. This location makes use of a block surrounded by streets to provide municipal services; fire, water and telecommunications. In this way the scale and other impacts of these facilities are buffered to some extent. Existing infrastructure in surrounding streets already connects to this site and the system continues to work with a minimum of disruption. The nearby area contains some other structures of great height such as three very tall television broadcast towers, and another telephone microwave tower which tends to broaden the context of what is reasonably compatible here.

Seattle Public Utility conducted a number of public meetings during the design period for this proposal. Public comment was followed in the decision to adopt a single tank, rather than two tanks, scheme and in some of the landscaping approaches adopted. The proposed water tank has been designed with architectural surface treatment in the form of a cornice with attached pilasters to make it more attractive and better fit the surrounding context.

RECOMMENDATION – COUNCIL APPROVAL AND MODIFICATION

DPD believes the design and location of a new Queen Anne Water Tank is a reasonable and necessary proposal for the provision of reliable water services to this area of the city and recommends the City Council to approve the proposal. DPD further believes the requested modifications of the Seattle Land Use Code standards are reasonable and recommends the City Council authorize them.

ANALYSIS - SEPA

Disclosure of the potential impacts from this project was made in a June 2005 SEPA Checklist. Seattle Public Utilities issued a Determination of Non-significance on July 29, 2005. This information in the environmental documents, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision wherein substantive SEPA conditioning will be considered and imposed as warranted.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts are cited below.

Short-term Impacts

Anticipated short-term impacts that could occur during demolition excavation and construction include; increase noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted.

Many are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

Noise

There will be demolition and grading required preparing the building site as well as other noise generating construction activities. Noise associated with construction of the tanks could adversely affect the residential areas in the vicinity of the proposal site. Due to the proximity of areas in residential use relation to the proposal site, the limitations of the Noise Ordinance appear to be inadequate to protect the residential neighborhood. To minimize construction noise impacts to residential neighborhoods, DPD has conditioned projects of a similar scale to limit hours of construction to 7:30 a.m. to 6:00 p.m. on non-holiday weekdays and to 9:00 a.m. to 5:00 p.m. on Saturdays. This condition has been successfully applied in the past and is recommended here.

The Department recognizes there may be occasions when critical construction activities of an emergency nature, related to safety or traffic issues may need to be completed after regular construction hours as conditioned herein. Therefore, the Department should have the ability to approve waivers of this construction hours restriction. Such waivers must be approved by the Department on a case-by-case basis prior to such work.

It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, landscaping, painting, and walking on and around the site and structure. These types of activities are not considered construction and would not be limited by the conditions imposed on this Permit.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos (if any) during demolition. Compliance with these requirements will sufficiently mitigate impacts to air quality of demolition. A condition is recommended pursuant to SEPA authority under SMC 25.05.675.A to require that a PSCAA Notice of Intent be filed prior to commencing demolition activities.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased height, bulk and scale, and loss of historic resources.

Historic Resources

Queen Anne Water Tank Number One, proposed for demolition here, is a City of Seattle Historic Landmark. The City of Seattle Landmarks Preservation Board, on December 20, 2002, issued a Certificate of Approval authorizing demolition of this tank structure finding it a reasonable action in light of the alternatives available and the objectives of the applicant to make improvements to the water distribution system.

The Seattle SEPA Policy for Historic Preservation provides that compliance with the Seattle Landmarks Preservation Ordinance shall constitute compliance with the policy. Such compliance has been accomplished here and no further SEPA conditioning for historic preservation is warranted.

Height, Bulk and Scale

The height of the proposed structure at 91.5 feet is greatly taller than that of others allowed in the LDT zone (25 feet to top of wall and 5 or 10 additional feet for pitched roofs). While this is a large difference in height from its surroundings and the structure is large in its other dimensions, there are factors which tend to mitigate these impacts. The proposed water tank is on a block shared only by other City facilities providing a good amount of space between it and nearby residential structures. The site has historically been the location of two City water tanks and replacement of them with a single tank will represent a reduction of bulk and scale, if not height. Other elements of infrastructure, including the three commercial television broadcast towers near by, the City microwave tower on the site, and the private telephone microwave tower a few blocks away, in the immediate area are of large height and scale and these tend to create a

context in which the proposed water tank is not as inconsistent with its context as it might be in another location. Also, architectural detailing of the proposed water tank, are intended to give the structure an attractive, monumental appearance. This treatment will likely make perceived impact of the large structure more positive and pleasant than it would otherwise be.

Given the mitigation factors already in place here, the lack of other reasonable ones available, and public necessity for the public facility it is deemed inappropriate and unnecessary to impose SEPA conditioning to limit height, bulk and scale impacts.

Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION - SEPA

The proposal is **CONDITIONALLY APPROVED.**

RECOMMENDED CONDITIONS - SEPA

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. The hours of exterior demolition and construction shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and Saturdays from 9:00 a.m. to 5:00 p.m. The Department may allow during the restricted times only where such work is shown to be of an emergency nature, including work necessitated by safety or street use (traffic) concerns. Prior approval must be obtained from DPD for such work and residents whose properties abut the west side of the school property must each be provided a notice not less than 24 hours prior to the emergency work (the notice must state when the work will be allowed).
2. A PSCAA permit shall be obtained prior to commencing demolition activities.

Signature: (signature on file) Date: April 6, 2006
Scott Kemp, Senior Land Use Planner
Department of Planning and Development